

for...during the time that the defendant may be getting served.

SENATOR ASHFORD: Thank you. I...this...Mr. Speaker and members, this really is an unnecessary elongation of this process. The county court proceedings are for a minimal amount of money relative to the district court. I have heard no objections, at least in my court, about...and my district about this, or the county court, about this problem. Well, my brother is a judge, he never told me there was a problem with it. This is...it's an unnecessary elongation of the process. I really think that with the matters that are being dealt with in county court it's best to have these things expedited and the process that we have now is...does support that. So I would oppose the bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I think...and members, I think I have to agree first with Senator McFarland and his statement regarding confusion of attorneys, but some of the other statements I am going to have to disagree. First of all, I think that...I don't think it's a matter of elongating the trial process. I think what happens here is because the trial process, as Senator Kristensen pointed out, sure, it can be elongated through some discovery mechanisms. What this will do though is expend the time on a lot of the default judgments. At least in Douglas County, the bulk of...I would guess, the bulk of the county court cases in Douglas County are decided by default judgments. Quite a bit of Douglas County's work is in collections and it will result in these cases just being on the books, active cases, for quite a bit longer. I think, regarding Senator McFarland's statement, one of the reasons given is that a green receipt card...and I will go into that, when service of process laws changed several years ago it allowed service by certified mail, and what happens...and I've run into it in my practice, is that the green card doesn't arrive...the green receipt card from the certified mail doesn't arrive back before the answer date. And if that doesn't occur then, no, you can't have a default judgment entered. But I don't believe that this change is going to correct that. If the green card is not going to be returned very quickly, chances are it's not going to be returned anyway and the certified mail is going to come back unclaimed. At least in my experience, that is what has happened. If the green card doesn't come back within the first few days, nine out of 10 times the whole envelope is going to